

REMARKS

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein amendment and remarks, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 2-13, 15, and 16 are currently under consideration. Claims 2-6, 8, 12, 13, and 16 are amended and claim 1 is cancelled without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

Support for the amendment of claim 2 can be found, for example, in former claim 1. The amendment to claims 3-6, 8, 12, 13, and 16 are to remove dependency from a cancelled claim and/or to perfect antecedent basis. Support for the amendment of claim 15 can be found, for instance, on page 3, line 17 – page 4, line 7, and on page 4, lines 26-34. No new matter is added.

It is submitted that the claims herewith are patentably distinct over the prior art, and these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments to the claims presented herein are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply to clarify the scope of protection to which Applicants are entitled.

Applicants further submit that the claim amendments reflect the subject matter deemed allowable in the Office Action. Therefore, no new search or examination is required for entry of these claim amendments.

II. THE REJECTIONS UNDER 35 U.S.C. §103(a) ARE OVERCOME

Claims 1, 3-9, 15, and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chenevert *et al.* (U.S. Patent No. 6,499,233) in view of Saillet *et al.* (U.S. Patent No. 6,938,362).

While Applicants disagree with the rejection, in order to expedite prosecution, claims 2 and 15 are amended to correspond to the embodiment deemed allowable by the Office Action (see page 4, ¶ 3). Thus, claim 2 is amended to be in independent form, and claim 15 is amended to recite the characteristics of the claimed invention of claim 2.

Consequently, claims 2 and 15, as well as claims 3-13 by virtue of their dependency on claim 2, are patentable over Chenevert *et al.* in view of Saillet *et al.* Accordingly, reconsideration and withdrawal of all rejections under 35 U.S.C. § 103(a) are respectfully requested.

CONCLUSION

In view of the remarks and amendments herewith, the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

Ronald R. Santucci
Reg. No. 28,988
Telephone: (212) 588-0800
Facsimile: (212) 588-0500